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NOTICE OF ALLOWANCE AND FEE(S) DUE

35273

7590

05/21/2008

BEVER, HOFFMAN & HARMS, LLP
2099 GATEWAY PLACE
SUITE 320
SAN JOSE, CA 95110

EXAMINER

JANVIER, JEAN D

ART UNIT

PAPER NUMBER

3688

DATE MAILED: 05/21/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/780,882

02/09/2001

Jacques Benkosi

SYN-0416

9016

TITLE OF INVENTION: METHOD FOR CREATING INCENTIVES FOR A CAD TOOL VENDOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$0	\$0	\$1440	08/21/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

35273 7590 05/21/2008

**BEVER, HOFFMAN & HARMS, LLP
2099 GATEWAY PLACE
SUITE 320
SAN JOSE, CA 95110**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,882	02/09/2001	Jacques Benkosi	SYN-0416	9016

TITLE OF INVENTION: METHOD FOR CREATING INCENTIVES FOR A CAD TOOL VENDOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$0	\$0	\$1440	08/21/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
JANVIER, JEAN D	3688	705-014000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- | | |
|--|---|
| (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, | 1 |
| (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. | 2 |
| | 3 |

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____	Date _____
Typed or printed name _____	Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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09/780,882	02/09/2001	Jacques Benkoski	SYN-0416	9016
35273	7590	05/21/2008	EXAMINER	
JANVIER, JEAN D				
ART UNIT			PAPER NUMBER	
3688			DATE MAILED: 05/21/2008	

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 529 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 529 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/780,882

Examiner

JEAN JANVIER

Applicant(s)

BENKOSKI ET AL.

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/29/07.
2. ☒ The allowed claim(s) is/are 26,27,29,31-34,38 and 39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Status of the claim

Claims 26-27, 29, 31-34 and 38-40 are currently pending in the Application. Claims 26-27, 29, 31-34 and 38-39 are allowable, while claim 40 has been canceled by an Examiner's Amendment.

EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Please cancel independent claim 40.

In claim 29, after "claim", please delete "28" and replace it with - -26- -.

Reason for Allowance

The prior art does not expressly teach the steps of receiving a payment request for an additional payment when an output generated by a CAD tool satisfies a trigger condition, which adds a watermark to the output for identifying the output as having been produced by the CAD tool and disabling a set of features of the CAD tool until the additional payment is made and wherein the watermark represents at least an ordering convention as recited in independent claims 26 and 33. Hence, claims 26-27, 29, 31-34 and 38-39 are said to be allowable over the prior art of record as seen below-

USP 6,735,699 to Sasaki discloses a digital work utilization monitoring method and system for preventing illegal use such as unpermitted copying of digital works so that use of the digital works can be monitored by judging whether or not the use is legally permitted and for facilitating a smooth and appropriate circulation of digital works by promoting payments of use fees for use of digital works. A use license is issued on the basis of a permission application for using a digital work and the license is embedded into the digital work by means of a digital watermark. With the license having an identification code of a device used by a user, it is judged whether or not the use of the distributed digital work is legally permitted by monitoring. The license can be issued on condition that a use fee has been paid (See abstract).

USP 6,049,789 to Frison discloses **a software pay-per-use (PPU) licensing system**. The PPU licensing system includes one or more licensor license management system (LMS) and one or more licensee LMS. Each licensee LMS includes one or more components that operate to grant pay-per-use licenses for software applications, including data collection on amount of usage licenses granted, and to monitor operational states of the pay-per-use license granting and data collection operations, including periodic reporting of state and usage license granted data to a licensor LMS. Each licensor LMS includes components that operate to receive, store and process state and usage license granted data for the software applications from the licensee systems, including verification of timely periodic reporting from the licensee LMS (See abstract).

USP 6735699 to Nonaka discloses a contents provider storing contents data in a container in a format which can only be decoded with a key distributed from an EMD service center, and transmits the container to a service provider. The service provider adds pricing information and

the like and distributes this to a user home network. The user home network pays charges to the EMD service center based on the pricing information, receives the key, and decodes the contents data. Information regarding the number of times which copying is permitted is contained in the secure container, and the number of times permitted is increased each time charges are paid, thereby enabling copying to other media and the like. It is impossible to make copies from a container simply copied, or in cases where in the number of permitted times of copies has been used up. Thus, contents data can be distributed in a format wherein copying of contents data can be controlled including the number of copies made (See abstract).

USP 6,148,421 to Hurtado discloses a system for tracking usage of digital content on user devices. Electronic stores coupled to a network sell licenses to play digital content data to users. Content players, which receive from the network the licensed content data, are used to play the licensed content data. Additionally, a logging site that is coupled to the network tracks the playing of the content data. In particular, the logging site receives play information from the network, and the play information includes the number of times that the content data has been played by the associated content player. Also provided is a method for tracking usage of digital content on user devices. According to the method, a license to play digital content data is sold to a user, and the licensed content data is transmitted to a content player for the user. Further, information is transmitted to a logging site whenever the content data is played by the content player or copied from the content player to an external medium so that usage of the licensed content data can be tracked (See abstract).

USP 6,185,683 to Ginter discloses that documents and other items can be delivered electronically from sender to recipient with a level of trustedness approaching or exceeding that

provided by a personal document courier. A trusted electronic go-between can validate, witness and/or archive transactions while, in some cases, actively participating in or directing the transaction. Printed or imaged documents can be marked using handwritten signature images, seal images, electronic fingerprinting, watermarking, and/or steganography. Electronic commercial transactions and transmissions take place in a reliable, "trusted" virtual distribution environment that provides significant efficiency and cost savings benefits to users in addition to providing an extremely high degree of confidence and trustedness. The systems and techniques have many uses including but not limited to secure document delivery, execution of legal documents, and electronic data interchange (EDI). See abstract.

USP 6,594,799 to Robertson discloses a multi-faceted portal site that acts as a server in the context of an n-tier client/server network and connects electronic designers and design teams to design and verification tools and service providers on the other through a single portal site. Tools and services accessible to users through the portal site include electronic design automation (EDA) software tools, electronic component information, electronic component databases of parts (or dynamic parts), computing and processing resources, virtual circuit blocks, design expert assistance, and integrated circuit fabrication (**providing a CAD Tool to a user via a network, where the user runs or executes the provided Tool on his computer system to produce an output or complete a project**). Such tools and services may be provided in whole or in part by suppliers (manufacturers) connected to the portal site. Users accessing the portal site are presented with options in a menu or other convenient format identifying the tools and services available and are able to more rapidly **complete circuit designs** by having access to a wide variety of tools and services in a single location. **The portal site may facilitate purchase,**

lease or other acquisition of the tools and services offered through it. The portal site tracks the movements of users through the portal site in order to learn about the design preferences and design approaches of users individually and in the aggregate. Previous actions taken by a user and by similarly-situated users may be considered in determining which information is presented to the user or in what order to present information to the user, thereby providing contextually-driven access (See abstract; fig. 3-5 and 7-10; col. 1: 35-54; col. 2: 12-24; col. 2: 40-54; col. 4: 49-61; col. 4: 64 to col. 5: 28).

In general, the present system features electronic design tools and automation and more specifically methods and systems for facilitating electronic circuit and chip design using resources accessible over a distributed electronic network such as the Internet, The system is also adapted to allow users, such as design engineers, to use these tools without a large capital outlay in either software or hardware (a user of a design and verification tool does not need a huge upfront cash to access or use the tool to produce an output-col. 1: 10-14; col. 4: 48-61).

In another embodiment, the portal site 104 connects end users 102 looking for information on virtual circuit blocks or IP cores, or interested in purchasing such, with suppliers 106 offering virtual circuit blocks or IP cores. The portal site 104 may facilitate the locating and acquisition of suitable virtual circuit blocks or IP cores by, for example, providing a catalog of available IP cores, information regarding the IP cores, and access to mechanisms for protecting IP cores from unauthorized user or copying (col. 7: 11-19).

Further, in a next step 624 of fig. 6, a purchasing routine is preferably invoked during which the selected IP core (virtual block design or CAD Tool) is purchased (receiving a payment

for the purchase of the Tool). In a following step 626, the selected and purchased IP core is delivered to the user, preferably in electronic format over the Internet 230. As a part of step 626, the portal site 204 preferably performs a protection function where the IP core is protected from piracy or unauthorized use by embedding each IP core transmitted via the portal site with a digital watermarking. One type of digital watermarking technique that may be used is disclosed, for example, in copending U.S. patent application Ser. No. 09/514,695 filed concurrently herewith, and hereby incorporated by reference as if set forth fully herein). Alternatively, a digital watermark may simply comprise an embedded code (such as an encoded/encrypted identifier or set of identifiers or a non-functional data) physically included as part of the IP core software (col. 18: 41-58).

The present system further comprising means for transmitting an electronic invoice from said selected provider or supplier of the (CAD) tool or service to the user's system over a distributed electronic network and remitting a transaction fee from the provider to said portal site for facilitating the transaction, such as the receipt acquisition of the tool or IP core from the supplier to the user's system via the portal site over the Internet, and means for receiving payment for said electronic invoice from said user, means for deducting the transaction fee from said payment at said portal site and means for remitting the remainder of said payment to said selected provider of the tool (integrated circuit fabrication services- See claims 10 and 11 of the current reference).

See col. 6: 4 to col. 7: 10; col. 16: 25 to col. 19: 15; figs 5 and 6

Further, Harrison, Ann describes in an article, “**ARIS says it's on key with digital watermark**”, that the recording industry will first adopt a watermark standard for music delivered via an analog signal and then work with software vendors to develop a watermark technology for the digital domain. Watermarks on analog music played over the radio would help track artists' royalties. Special receivers could record broadcast and allow artist rights organizations to compile music play list statistics for royalty collection. The next generation of radio receivers will also be able to display text from embedded watermark information. This would allow record companies to encode each track of music with information such as the name of the song, artist, album, record label, liner notes and lyrics. Since consumers are more likely to purchase music they can identify by name, record companies hope that watermarks will help boost record sales.

Additionally, a BALTIMORE MORNING SUN (BS) article, **ADD A TOUCH OF CLASS TO PRINTED DOCUMENTS**, talked about a simulated watermarking technique- Atmospheres is a collection of images that can be superimposed over an entire page or any part of a page. The images can add style, even a touch of class, to your everyday printed documents. A clever utility program appropriately named "Watermark" makes it all work. There are five collections: Patterns, Geometrics, Classics, CityScapes and Habitats are fairly self-descriptive and contain 15 different scenes each. The Watermark program allows you to print any picture as a transparent image. Atmospheres' images blend unobtrusively into the background. Using the "gray-scale" capability of most printers, you can choose how light or dark you want the image to appear on the page.

Finally, a combination of the above references will render independent claim 40 obvious.

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

05/11/08

/J. J./

/Jean Janvier/

for Jean D. Janvier, Examiner of Art Unit 3688